IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Bail Appl..No. 6651 of 2007()

CRIME NO.102/2002 OF TIRURANGADI POLICE STATION

.....

PETITIONER : ACCUSED

JOY @ VEERAPPAN JOY, S/O.JOHNY,
KATTILAPEEDIK VEEDU, CHENGALUR VILLAGE,
SOORYAGRAMAM.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: COMPLAINANT;

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6651 of 2007

Dated this the 1st day of November 2007

O R D E R

Application for regular bail. The petitioner faces allegations under Section 394 I.P.C. His arrest in this case was recorded on 10/9/2007. He continues in custody from that date.

2. The crux of the allegations is that the de facto complainant, a jeweler, who was returning after the day's work to his house, was attacked on the way by a group of miscreants who had reached the scene of the crime in a car. He was attacked and robbed of the cash and articles which he was carrying. That incident took place on 25/2/2002. Investigation was conducted. Miscreants could not be traced. The case was closed as undetectable. Long later, the petitioner herein was arrested in some other crime. In the course of interrogation, his complicity in this crime along with three others was revealed. They have been arrayed as accused. The petitioner continues in custody in this crime from 10/9/2007.

3. The learned counsel for the petitioner submits that the petitioner is innocent. He was arrested in some other crime and blame for many undetected crimes are being placed on his shoulders by the police, contends the learned counsel for the petitioner. The petitioner who has remained in custody from 10/9/2007 may now be enlarged on bail, submits the learned counsel for the petitioner.

4. The learned Public Prosecutor opposes the application. It is true that the crime was earlier closed as undetectable; but when the petitioner, who was involved in an identical crime, was arrested later, he was interrogated. That revealed the involvement of the petitioner in the earlier crime. The learned Public Prosecutor submits that the investigation in this crime is not over. Investigator may be granted some further time to complete the investigation. The question of releasing the petitioner on bail may not be considered favourably now, submits the learned Public Prosecutor. The learned Public Prosecutor further points out that the petitioner has criminal antecedents. The petitioner has been identified by the victim after his arrest.

5. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. The allegations are serious. Satisfactory indication have been collected. Investigation is not complete. I am of the opinion that the petitioner cannot be released on bail at this stage.

4. In the result, this petition is dismissed. However, I may hasten to observe that the petitioner shall be at liberty to move this court for bail again at later stages of the investigation not, at any rate, prior to 15/11/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007